



February 21, 2001

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## HOUSE BILL No. 1614

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DIGEST OF HB 1614 (Updated February 20, 2001 9:15 AM - DI 98)

**Citations Affected:** IC 16-42; noncode.

**Synopsis:** Enforcement of sanitary requirements for food establishments. Requires the state department of health to adopt a schedule of civil penalties for violation of the laws establishing sanitary requirements for food establishments. Permits the state department to issue an order of compliance, impose a civil penalty, or both, against a person who violates the laws or rules establishing sanitary requirements for food establishments or who interferes with or obstructs the state department in carrying out its duties to enforce these laws and rules. Permits the state department to adopt emergency rules to adopt an initial schedule of civil penalties.

**Effective:** Upon passage; July 1, 2001.

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**Grubb, Becker**

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January 17, 2001, read first time and referred to Committee on Human Affairs.  
February 20, 2001, reported — Do Pass.

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HB 1614—LS 7336/DI 51+



February 21, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1614

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A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 16-42-5-28 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2001]: **Sec. 28. (a) The state department shall adopt under**  
4 **IC 4-22-2 a schedule of civil penalties that may be levied by the**  
5 **state department to enforce the following:**

6           **(1) This chapter.**

7           **(2) Rules adopted to implement this chapter.**

8           **(b) A penalty included in the schedule of civil penalties adopted**  
9 **under this section may not exceed one thousand dollars (\$1,000) for**  
10 **each violation per day.**

11          **(c) The state department may issue an order of compliance,**  
12 **impose a civil penalty included in the schedule of civil penalties**  
13 **adopted under this section, or both, against a person who does any**  
14 **of the following:**

15           **(1) Fails to comply with this chapter or a rule adopted to**  
16 **implement this chapter.**

17           **(2) Interferes with or obstructs the state department or the**

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1 state department's designated agent in the performance of  
2 duties under this chapter.

3 (d) An order of compliance may be issued under IC 4-21.5-3-6,  
4 IC 4-21.5-3-8, or IC 4-21.5-4. A civil penalty may be imposed only  
5 in a proceeding under IC 4-21.5-3-8.

6 (e) A proceeding commenced to impose a civil penalty under the  
7 schedule of civil penalties adopted under this section may be  
8 consolidated with any other proceeding commenced to enforce any  
9 of the following:

10 (1) This chapter.

11 (2) A rule adopted by the state department to implement this  
12 chapter.

13 SECTION 2. [EFFECTIVE UPON PASSAGE] IC 16-42-5-28, as  
14 added by this act, applies to violations that occur after June 30,  
15 2001. The state department of health may adopt the initial schedule  
16 of civil penalties required under IC 16-42-5-28, as added by this  
17 act, at any time after the effective date of this SECTION in the  
18 manner provided for the adoption of emergency rules under  
19 IC 4-22-2-37.1. An emergency rule adopted under this SECTION  
20 expires on the later of the date that permanent rules are adopted  
21 to replace the emergency rules or July 1, 2003.

22 SECTION 3. An emergency is declared for this act.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1614, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

SUMMERS, Chair

Committee Vote: yeas 13, nays 0.

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